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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/801,348 03/16/2004		Garth Desmond Brown	03234.0024U1	2111		
23859	7590 09/16/2004		EXAMINER			
NEEDLE & ROSENBERG, P.C.			HAILEY, PA	HAILEY, PATRICIA L		
SUITE 1000 999 PEACHTREE STREET			ART UNIT	PAPER NUMBER		
ATLANTA, GA 30309-3915			1755			
			DATE MAILED: 09/16/2004	DATE MAILED: 09/16/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary		Appl	ication No.	Applicant(s)	7.			
		10/8	01,348	BROWN, GARTH	DESMOND			
		Exan	niner	Art Unit	1.00			
			cia L. Hailey	1755				
The N Period for Reply	NAILING DATE of this commur Y	nication appears o	n the cover sheet with the d	correspondence ad	dress			
THE MAILIN - Extensions of ti after SIX (6) MC - If the period for - If NO period for - Failure to reply Any reply receiv	IED STATUTORY PERIOD F G DATE OF THIS COMMUN me may be available under the provisions DNTHS from the mailing date of this come reply specified above is less than thirty (3 reply is specified above, the maximum si within the set or extended period for reply yed by the Office later than three months erm adjustment. See 37 CFR 1.704(b).	ICATION. s of 37 CFR 1.136(a). In nunication. 30) days, a reply within the latutory period will apply y will, by statute, cause the	no event, however, may a reply be ting the statutory minimum of thirty (30) day and will expire SIX (6) MONTHS from the application to become ABANDONE	nely filed s will be considered timel the mailing date of this or D (35 U.S.C. § 133).				
Status								
1)⊠ Respo	nsive to communication(s) file	ed on <u>16 March 2</u>	<u>004</u> .					
· <u> </u>	This action is FINAL . 2b) This action is non-final.							
3)☐ Since t								
closed	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of C	laims							
4a) Of t 5) ☐ Claim(: 6) ☐ Claim(: 7) ☐ Claim(:	s) <u>1-38</u> is/are pending in the athe above claim(s) is/as) is/are allowed. s) is/are rejected. s) is/are objected to. s) <u>1-38</u> are subject to restrictions.	re withdrawn fror						
Application Pap	pers							
10) The dra Applica Replace	ecification is objected to by the awing(s) filed on is/are nt may not request that any objected to drawing sheet(s) including the or declaration is objected to	: a) ☐ accepted of accepted of accepted of accepted of the correction is referenced in a correction is referenced on the accepted of acce	g(s) be held in abeyance. Se equired if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 Cf	• •			
Priority under 3	5 U.S.C. & 119							
12) Acknow a) All 1. 2. 6	vledgment is made of a claim b) Some * c) None of: Certified copies of the priority Certified copies of the priority Copies of the certified copies application from the Internatio attached detailed Office actio	documents have documents have of the priority doo onal Bureau (PCT	been received. been received in Application cuments have been received Rule 17.2(a)).	on No ed in this National	Stage			
Attachment(s)								
2) Notice of Draft 3) Information Dis	rences Cited (PTO-892) sperson's Patent Drawing Review (F sclosure Statement(s) (PTO-1449 or lail Date		4) Interview Summary Paper No(s)/Mail Di 5) Notice of Informal F 6) Other:	ate. <u>091304</u> .)-152)			

U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04)

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-29 and 32-34, drawn to a method of depositing metal particles dispersed on a particulate substrate, classified in class 427, subclass 115.
 - II. Claims 30, 31, 35, and 36, drawn to a method for producing a supported particulate catalyst, classified in class 502, subclass various.
 - III. Claims 37 and 38, drawn to a catalytic fuel cell, classified in class 429, subclass 40.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions because although the respective inventions have similar method steps, each invention claims to make a different product
- 3. Inventions I and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made

Application/Control Number: 10/801,348

Art Unit: 1755

by another and materially different process, such as by chemical or physical vapor deposition, or by admixing the recited components under standard temperature and pressure conditions (STP), as opposed to supercritical or near-supercritical conditions.

- 4. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions, in that the method of Invention II produces a catalyst that can be employed in preparing a fuel cell, but that catalyst can also be employed in other methods and apparatuses, such as methods for exhaust gas treatment, hydrocarbon conversion, etc., or in apparatuses such as a catalytic converter or a catalytic cracking reactor.
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Application/Control Number: 10/801,348

Art Unit: 1755

7. A telephone call was made to Michael Katz on September 8, 2004, to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant's Counsel requested that the restriction be mailed.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on (571) 272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

Application/Control Number: 10/801,348

Art Unit: 1755

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Hailey/plh

Examiner, Art Unit 1755

September 13, 2004

/// Mark L. Bell

Supervisory Patent Examiner
Technology Center 1700